

The Status of Medication Abortion in PA – Questions and Answers

Pennsylvania Office of Attorney General

March 1, 2024

In light of the recent announcement that mifepristone will be available from select pharmacies in Pennsylvania with a lawful prescription, the Pennsylvania Office of Attorney General provides the following information to help Pennsylvanians understand the status and availability of mifepristone in Pennsylvania.

What is mifepristone?

Mifepristone (brand name Mifeprex) is the generic name of one of two drugs used in combination to perform medication abortions. It was originally approved for use by the Food and Drug Administration (FDA) in 2000. While medication abortions can be performed with a single drug (misoprostol), in the U.S. it is most commonly performed with both mifepristone and misoprostol. Medical professionals, including the American College of Obstetricians and Gynecologists (ACOG), the World Health Organization, and the National Institute for Health and Care Excellence, consider this combination of the two drugs the preferred medication abortion regimen.

Under current FDA requirements, mifepristone can be used to terminate a pregnancy up to 70 days (10 weeks) gestation. Since its original approval in 2000, mifepristone has been used approximately 5.6 million times as part of this two-drug regimen and the FDA has found that it has a very low rate of complications and a high rate of effectiveness.¹ In 2021, medication abortions accounted for 55% of all abortions in Pennsylvania.²

What is the status of mifepristone in Pennsylvania?

As a result of a lawsuit filed in Texas, federal courts in Texas attempted to substantially restrict access to mifepristone throughout the U.S. However, on April 21, 2023, the U.S. Supreme Court stayed the lower courts' decision, restoring the status quo while the lawsuit is pending.

As a result of the Supreme Court's stay order, mifepristone currently remains legal and available in Pennsylvania and nationwide. Both the name brand version, Mifeprex, and the generic version are available for termination of pregnancy up to 70 days (10 weeks) gestation.

¹ <https://www.fda.gov/media/164331/download>

² [Pennsylvania Annual Abortion Report 2021 \(pa.gov\)](#)

The litigation involving mifepristone has no effect on the provision of surgical abortions – those remain available and lawful up to 24 weeks gestation under Pennsylvania’s Abortion Control Act.

How can pregnant people access mifepristone in Pennsylvania?

Pursuant to the FDA’s current regulations, mifepristone must be prescribed by a certified medical provider, can be prescribed via a telemedicine visit, and can be dispensed by either a certified doctor or a pharmacy. The pharmacy must be certified by the FDA to do so. On March 1, 2024, two pharmaceutical companies announced that they have received approval from the FDA to distribute mifepristone in Pennsylvania.

Under Pennsylvania law, only a physician can perform an abortion. In the case of a medication abortion, only a physician can prescribe mifepristone. A pharmacy certified to dispense mifepristone is not performing an abortion; as a result, an *FDA-certified pharmacy may dispense mifepristone pursuant to a lawful prescription issued by a certified physician. The FDA recently certified some pharmacies to dispense mifepristone. Only an FDA certified pharmacy can do so, so a patient will need to check if a particular pharmacy has that certification.*

Will access to mifepristone always be available in Pennsylvania?

Litigation regarding access to mifepristone is on-going. OAG continues to monitor the litigation closely and will update its guidance as necessary once the litigation has been resolved. Anyone who has questions or concerns about access to mifepristone in the meantime may contact the Women’s Law Project (www.womenslawproject.org or infopitt@womenslawprojects.org).

For additional information about mifepristone and abortion access generally in Pennsylvania, please consult the following links:

<https://www.fda.gov/drugs/postmarket-drug-safety-information-patients-andproviders/information-about-mifepristone-medical-termination-pregnancy-through-ten-weeksgestation>

<https://www.attorneygeneral.gov/wp-content/uploads/2022/06/Consumer-Abortion-QA-FINAL-6-30-22.pdf> www.pa.gov/freedomtochoose